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Chapter No. 17
10/HR40/A301SG
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HOUSE BILL NO. 1628

Originated in House Don Richardson Clerk

HOUSE BILL NO. 1628

AN ACT MAKING AN APPROPRIATION FOR THE PURPOSE OF DEFRAYING THE EXPENSES OF THE STATE DEPARTMENT OF HEALTH FOR THE FISCAL YEAR 2011.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. The following sum, or so much thereof as may be necessary, is hereby appropriated out of any money in the State General Fund not otherwise appropriated, for the purpose of defraying the expenses of the State Department of Health for the fiscal year beginning July 1, 2010, and ending June 30, 2011

.....	\$	25,875,597.00.
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SECTION 2. The following sum, or so much thereof as may be necessary, is hereby appropriated out of any money in any special fund in the State Treasury to the credit of the State Department of Health which is comprised of special source funds collected by or otherwise available to the department, for the purpose of defraying the expenses of the department for the fiscal year beginning July 1, 2010, and ending June 30, 2011

.....	\$	355,096,149.00.
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SECTION 3. Of the funds appropriated under the provisions of Sections 1 and 2, Two Hundred Seventy-seven Thousand Three Hundred Sixty-nine Dollars (\$277,369.00) shall be derived from the State General Fund and Seven Million One Hundred Fifty-eight Thousand Three Hundred Thirty-seven Dollars (\$7,158,337.00) shall be derived from the Health Care Expendable Fund, created in Section 43-13-407, Mississippi Code of 1972, for the support and maintenance of the State Department of Health. The funds provided in this section shall be allocated as follows:

Maternal and Child Health Care

Program \$1,242,943.00

Early Intervention Program and/or

Child Therapeutic Services \$ 221,954.00

Health Department Programs \$2,219,542.00

Mississippi Qualified Health

Center Grant Program \$3,751,267.00

SECTION 4. Of the funds appropriated in Section 2, Forty Million Dollars (\$40,000,000.00) are allocated to the Trauma Care System. The State Department of Health may transfer a portion of Trauma Care System funds to the Division of Medicaid for the development and implementation of an enhanced reimbursement fee program related to trauma care and services, used to match federal funds, under a cooperative agreement between the State Department of Health and the Division of Medicaid.

It is the intention of the Legislature that none of the funds authorized herein for the Trauma Care System shall be expended to the benefit of any hospital located outside the boundaries of the State of Mississippi, unless otherwise excepted in this paragraph. Funds shall be expended by the Mississippi Department of Health for distribution to the Regional Medical Center at Memphis, located in Memphis, Tennessee, or the University of South Alabama Medical Center located in Mobile, Alabama, or the Joseph M. Still Burn Centers, Inc., in Augusta, Georgia, or any affiliates or any other Level 1 Trauma Center that participates in the Mississippi Trauma Care System, as determined by the Mississippi Department of Health.

SECTION 5. Of the funds appropriated in Section 2, Twenty Million Dollars (\$20,000,000.00) shall be derived from the Tobacco Control Program Fund, created in Section 41-113-11, Mississippi Code of 1972, and shall be allocated as follows:

University of Mississippi Medical Center Cancer

Institute \$ 5,000,000.00

Department of Education - Mary Kirkpatrick

Haskell - Mary Sprayberry Public

School Nurse Program \$ 3,600,000.00

Attorney General's Office - Alcohol and

Tobacco Enforcement Unit \$ 800,000.00

University of Mississippi Medical Center -

A Comprehensive Tobacco

Center \$ 700,000.00

Health Department Programs \$ 9,900,000.00

Of the funds appropriated in this section, the State Department of Health is authorized to expend funds to create and administer the Office of Tobacco Control within the department as outlined and created in Section 41-113-3, Mississippi Code of 1972.

SECTION 6. Of the funds appropriated under the provisions of this act, not more than the following amount shall be expended for Salaries, Wages and Fringe Benefits \$ 127,330,157.00

FUNDING:

General Funds	\$ 25,875,597.00
Special Funds	<u>355,096,149.00</u>
Total	\$ 380,971,746.00

AUTHORIZED POSITIONS:

Permanent:	Full Time	1,759
	Part Time	17
Time-Limited:	Full Time	855
	Part Time	9

With the funds herein appropriated, it is the intention of the Legislature that it shall be the agency's responsibility to make certain that funds required to be appropriated for "Personal Services" for Fiscal Year 2012 do not exceed Fiscal Year 2011 funds appropriated for that purpose, unless programs or positions are added to the agency's Fiscal Year 2011 budget by the Mississippi Legislature. Based on data provided by the

Legislative Budget Office, the State Personnel Board shall determine and publish the projected annual cost to fully fund all appropriated positions in compliance with the provisions of this act. It shall be the responsibility of the agency head to ensure that no single personnel action increases this projected annual cost and/or the Fiscal Year 2011 appropriations for "Personal Services" when annualized, with the exception of escalated funds. If, at the time the agency takes any action to change "Personal Services," the State Personnel Board determines that the agency has taken an action which would cause the agency to exceed this projected annual cost or the Fiscal Year 2011 "Personal Services" appropriated level, when annualized, then only those actions which reduce the projected annual cost and/or the appropriation requirement will be processed by the State Personnel Board until such time as the requirements of this provision are met.

Unless otherwise authorized in this act, no state agency shall take any action to promote or otherwise award salary increases through reallocation, reclassification, realignment, educational benchmark, career ladder, equity salary adjustment, or any other means to increase salaries of employees or positions unless specifically exempted by the following conditions: the award of teacher salary increments; the advancement of a trainee/cadet to the next level of a bona fide career ladder; the award of an educational benchmark for the attainment of a Certified Public Accountant License or higher level professional certification based on information provided to the State Personnel Board by the Legislative Budget Office; the immediate replacement of a departing employee with an employee from within state service at a salary level of the departing employee or the Fiscal Year 2011 promotional formula, whichever is less; the emergency appointment of nurses, pharmacists or other health care and child protection professionals at a salary to be determined by the State Personnel Board; or a new hire associated with the American

Recovery and Reinvestment Act of 2009. All positions supported by funds available through the American Recovery and Reinvestment Act of 2009 shall be designated as time-limited positions.

Any transfers or escalations shall be made in accordance with the terms, conditions and procedures established by law or allowable under the terms set forth within this act. The State Personnel Board shall not escalate positions without written approval from the Department of Finance and Administration. The Department of Finance and Administration shall not provide written approval to escalate any funds for salaries and/or positions without proof of availability of new or additional funds above the appropriated level.

No general funds authorized to be expended herein shall be used to replace federal funds and/or other special funds which are being used for salaries authorized under the provisions of this act and which are withdrawn and no longer available.

SECTION 7. It is the intention of the Legislature that the State Department of Health shall maintain complete accounting and personnel records related to the expenditure of all funds appropriated under this act and that such records shall be in the same format and level of detail as maintained for Fiscal Year 2010. It is further the intention of the Legislature that the agency's budget request for Fiscal Year 2012 shall be submitted to the Joint Legislative Budget Committee in a format and level of detail comparable to the format and level of detail provided during the Fiscal Year 2011 budget request process.

SECTION 8. In compliance with the "Mississippi Performance Budget and Strategic Planning Act of 1994," it is the intent of the Legislature that the funds provided herein shall be utilized in the most efficient and effective manner possible to achieve the intended mission of this agency. Based on the funding authorized, this agency shall make every effort to attain the targeted performance measures provided below:

	FY2011
<u>Performance Measures</u>	<u>Target</u>
Health Services	
Women who Received Prenatal Care in First Trimester (%)	81.30
Potentially Eligible Population served in WIC Program (%)	90.00
Newborns with Positive/Inconclusive Genetic Screens who Received Follow-up (%)	100.00
MS pop Receiving Fluoridated Water (%)	55.00
Diabetic persons receiving Annual A1C (A One C) testing (%)	70.00
Health Protection	
Food Facilities Inspected at the frequency Required by FDA Food Code category (%)	96.00
Public Water Systems Surveyed (%)	100.00
Number of Deficiencies Cited and Corrected in Long-term Care Facilities (Number of)	1,582
Transfer Time of Level IV Trauma Centers to Appropriate Facilities for Treatment (mins)	150
Communicable Disease	
Primary and Secondary Syphilis Cases Case rate (per 100,000)	280
Number of Tuberculosis Cases Case rate (per 100,000)	119
Children Fully Immunized by 2 years of age (%)	4.00
	82.00
Tobacco Control	
Current Smokers among Public Middle School Students (Prevalence)	7.20
Current Smokers among Public High School Students (Prevalence)	18.50
Current Smokers among adults 18 years and Older (Prevalence)	21.50

Public Health Em Prep & Resp

Score on CDC review of MS Strategic Nat

Stockpile Plan (out of possible 100) 99

Admin & Support Services

Avg Processing for Vital Records rqt (days) 2.00

Patients served through MS Qualified Health

Center grant program (Number of) 50,000

Syphilis serology tests performed within

5 working days of sample receipt (%) 90

Bacteriological tests on Drinking Water

Performed w/in 30 hours of sample receipt (%) 90

A reporting of the degree to which the performance targets set above have been or are being achieved shall be provided in the agency's budget request submitted to the Joint Legislative Budget Committee for Fiscal Year 2012.

SECTION 9. It is the intent of the Legislature that the Mississippi Department of Health shall have authority to escalate the various budgets in both funds and positions, with the approval of the State Fiscal Officer, from any special funds collected or available, in the current fiscal year or any prior fiscal year, not to exceed Five Million Dollars (\$5,000,000.00), to the agency for expenditure. Upon such approval, the Mississippi Department of Health may expend such funds in the manner authorized by law.

The Executive Director of the Mississippi Department of Health shall submit to the Department of Finance and Administration a certified statement providing a detailed explanation for any escalation, including a justification for the establishment of any new positions or reclassification of existing positions and the existence of any required matching funds for those positions, and an assessment of the impact on the agency's General Fund Budget for the three (3) fiscal years following the fiscal year in which the escalation is requested.

SECTION 10. It is the intention of the Legislature that with the funds provided herein, the State Department of Health may provide and administer without charge, Hepatitis B vaccinations to Emergency Medical Services (EMS) personnel who are in need of such vaccinations through job related exposure.

SECTION 11. In addition to all other sums heretofore appropriated, the following sum, or so much thereof as may be necessary, is hereby appropriated out of any money in the State Treasury to the credit of the Local Governments and Rural Water Systems Emergency Loan Fund, and the Local Governments and Rural Water System Improvements Revolving Loan Fund as authorized in Chapter 521, Laws of 1995, to the State Department of Health for the purpose of defraying the expenses of the Local Governments and Rural Water Systems Improvements Board, for the fiscal year beginning July 1, 2010, and ending June 30, 2011
..... \$ 34,500,000.00.

SECTION 12. Of the funds appropriated in Section 2, One Million Dollars (\$1,000,000.00) shall come from the Department of Human Services, Child Care Development Fund or other appropriate special funds for the purpose of child care licensure. These funds are to be transferred to the State Department of Health no later than July 31, 2010. The State Department of Health shall make a complete accounting of the uses of these funds to the Department of Human Services.

SECTION 13. It is the intention of the Legislature that the State Department of Health shall expend not more than Fifty Thousand Dollars (\$50,000.00) of the funds appropriated herein for providing the oil known as "Lorenzo's Oil" for the treatment of the genetic disorder adrenoleukodystrophy (ALD), to children and Mississippi residents over the age of twenty-one (21) who have the genetic disorder adrenoleukodystrophy and for whom Medicaid does not reimburse the cost of providing the oil. The department may also provide needed pathology and biannual MRI exams.

SECTION 14. Of the funds appropriated in Section 1, Seven Hundred Thousand Dollars (\$700,000.00) are provided for the purpose of purchasing AIDS drugs and other necessary AIDS related medical services.

SECTION 15. Of the funds appropriated herein, Twenty-five Thousand Dollars (\$25,000.00) shall be provided to the Southern AIDS Commission, Inc., for the purpose of providing technical assistance, and providing for the expansion of education on causes and prevention of HIV/AIDS, and providing delivery services to persons infected with HIV. The Southern AIDS Commission, Inc., shall report by February 1, 2011, to the Board of Health and the Chairmen of the House and Senate Public Health Committees the status of the project and all services provided.

SECTION 16. Of the funds appropriated herein, Twenty-five Thousand Dollars (\$25,000.00) shall be provided to the North Mississippi Health Care Foundation Restricted Fund, for the purpose of providing technical assistance, providing for the expansion of education on causes and prevention of HIV/AIDS, and providing delivery services to persons infected with HIV. The North Mississippi Health Care Foundation shall report by February 1, 2011, to the Board of Health and the Chairmen of the House and Senate Public Health Committees the status of the project and all services provided.

SECTION 17. Of the funds appropriated herein, the amounts of One Hundred Ten Thousand Nine Hundred Seventy-seven Dollars (\$110,977.00) shall be allocated to the T.K. Martin Center at Mississippi State University and One Hundred Ten Thousand Nine Hundred Seventy-seven Dollars (\$110,977.00) shall be allocated to the Regional Rehabilitation Center in Tupelo for the Early Intervention Program and/or Child Therapeutic Services.

SECTION 18. Of the funds appropriated herein, Two Hundred Thousand Dollars (\$200,000.00) is provided for the Breast and Cervical Cancer Program.

SECTION 19. In addition to all other funds heretofore appropriated, the following sum, or so much thereof as may be necessary, is hereby appropriated out of any money in the State Treasury to the credit of the Mississippi Burn Care Fund which is comprised of special source funds collected by or otherwise available to the department, for the purpose of funding reimbursement for uncompensated medical care to Mississippi burn victims through the trauma care system at in-state facilities or for uncompensated aero medical transportation to out-of-state qualified United States Burn Care facilities, and such other provisions necessary to provide burn care for Mississippi residents, including reimbursement for travel, lodgings, meals and other reasonable travel-related expenses incurred by burn victims, family members and/or caregivers, for the fiscal year beginning July 1, 2010, and ending June 30, 2011 \$3,000,000.00.

The State Department of Health shall issue any certificates of need necessary to any person proposing the construction of, addition of, or conversion of any beds or the expansion of any health care facility for use exclusively for the treatment of burn victims, and such beds shall be classified and limited to use for such treatment of burn victims and may not be converted to any other use and are not to be classified or included in the acute care bed inventory of the state for health planning purposes. Any such beds shall participate in the statewide trauma care system as provided by Section 41-59-5 and be entitled to an allocation of funds from the Mississippi Burn Care Fund as established by Section 7-9-70. For purposes of this subsection, the provisions of Section 41-7-193(1) requiring substantial compliance with the projection of need as reported in the current State Health Plan are waived.

SECTION 20. Of the funds appropriated in Section 19, the Mississippi Department of Health may provide upon mutual agreement Twenty-five Thousand Dollars (\$25,000.00) for the Mississippi

Firefighters Memorial Burn Association. These funds are to be used for monetary support of Mississippi burn victims for travel and other expenses to the Joseph M. Still Burn Center in Georgia.

SECTION 21. It is the intention of the Legislature that whenever two (2) or more bids are received by this agency for the purchase of commodities or equipment, and whenever all things stated in such received bids are equal with respect to price, quality and service, the Mississippi Industries for the Blind shall be given preference. A similar preference shall be given to the Mississippi Industries for the Blind whenever purchases are made without competitive bids.

SECTION 22. It is the intention of the Legislature that the Mississippi Department of Health shall implement same day service to receive birth and death certificates.

SECTION 23. It is the intention of the Legislature that the Mississippi State Department of Health shall provide the Joint Legislative Budget Committee a report of all grants received by September 15, 2010. This notification will consist of the name of the grant and agency or nonprofit making the award, the award amount, and a short list of goals to be achieved.

SECTION 24. It is the intention of the Legislature that the Mississippi State Department of Health shall be the fiscal agent in all allowable grants awarded.

SECTION 25. Of the funds appropriated under the provisions herein, One Million Three Hundred Sixteen Thousand Five Hundred One Dollars (\$1,316,501.00) is anticipated to be derived from funds provided pursuant to the American Recovery and Reinvestment Act of 2009.

If the amount that ultimately becomes available for this agency from the American Recovery and Reinvestment Act of 2009 differs from the above stated amount, the agency shall immediately report the actual amount to the Legislative Budget Office and the agency may use the American Recovery and Reinvestment Act of 2009

escalation authorization contained within this act to increase the expenditure authority as necessary.

SECTION 26. It is the intention of the Legislature that the agency shall compile cell phone usage records of any cellular phone (wireless communication device) that is assigned, issued or made available to any officer or employee in accordance with Section 25-53-191, Mississippi Code of 1972, and these records shall be made publicly available at the expense of the agency.

SECTION 27. It is legislative intent to ensure beneficial information reaches as many Mississippians as possible. Further, it is legislative intent that the expenditure of public funds for this purpose be accomplished in an efficient and effective manner.

Therefore, state agencies as standard procedure will observe the following criteria:

- (a) Develop goals and desired result for a campaign.
- (b) Evaluate effectiveness through respected advertising standards, including market reach and cost effectiveness.
- (c) Seek public service announcements, which would be aired by media without cost.
- (d) Itemize and justify professional assistance and related expenses for creative and production costs outside of the actual media expenditures.
- (e) Utilize Mississippi-owned media companies when feasible.

SECTION 28. It is the intention of the Legislature that this agency shall have the authority to receive, budget and expend funds from any source that may become available to them as a result of the passage of the American Recovery and Reinvestment Act of 2009 in accordance with the rules and regulations of the Department of Finance and Administration in a manner consistent with the escalation of federal funds.

The Executive Director of the Department of Finance and Administration shall have the authority to approve escalations of funds and employee positions using funds from any source available due to the passage of the American Recovery and Reinvestment Act of 2009.

The Executive Director of the Department of Finance and Administration shall immediately send notice of the approval of such budget escalation to the House of Representatives Appropriations Committee, the Senate Appropriations Committee and the Legislative Budget Office. Within fifteen (15) days of such approval, the Executive Director of the Department of Finance and Administration shall ensure that the Legislative Budget Office receives detailed and accurate information about the amount and use of federal and special source funds by state agencies as a result of the passage of the American Recovery and Reinvestment Act of 2009.

SECTION 29. No former employee who is receiving State of Mississippi retirement benefits shall be hired under contract for an amount exceeding Twenty Thousand Dollars (\$20,000.00) a year without prior approval by an agency's proper governing board or authority. Upon approval of such contracts, a written report shall be submitted detailing the cost and need of such contract services to the Chairmen and members of the Senate and House Appropriations Committees.

SECTION 30. Of the funds deposited into the Tobacco Control Fund, created in Section 41-113-11, Mississippi Code of 1972, the Mississippi State Department of Health shall have the authority to escalate and expend at the State Health Officer's discretion any funds that carry forward. These escalations shall not be counted against Section 9 of this bill.

SECTION 31. Of the funds appropriated in Section 2, Seven Hundred Thousand Dollars (\$700,000.00) shall come from the Department of Education for the purpose of maintenance of effort

for the Early Intervention Program. These funds are to be transferred to the State Department of Health no later than December 31, 2010. The State Department of Health shall make a complete accounting of the uses of these funds to the Department of Education.

SECTION 32. There shall be created a fund in the State Treasury for any funds collected by the Department for the support of the Alexander Milne Home for Women. Any funds deposited into the fund for the Alexander Milne Home for Women shall not be used for any other purpose other than the support of the Milne Home. The Department may bill the Milne Home for said support.


SECTION 33. The money herein appropriated shall be paid by the State Treasurer out of any money in the State Treasury to the credit of the proper fund or funds as set forth in this act, upon warrants issued by the State Fiscal Officer; and the State Fiscal Officer shall issue his warrants upon requisitions signed by the proper person, officer or officers, in the manner provided by law.

SECTION 34. This act shall take effect and be in force from and after July 1, 2010.

PASSED BY THE HOUSE OF REPRESENTATIVES
April 21, 2010


SPEAKER OF THE HOUSE OF REPRESENTATIVES

PASSED BY THE SENATE
April 21, 2010


PRESIDENT OF THE SENATE

APPROVED BY THE GOVERNOR


GOVERNOR

5/21/10 2:31pm